

REMARKS/ARGUMENTS

This is intended to be a full and complete response to the Office Action dated February 21, 2007. Claims 1-3 and 6-16 are now pending. Claims 1 and 6 have been amended. New claims 15 and 16 have been added. Support for the amendments and new claims can be found throughout the specification, for example, in paragraphs [0060] and [0068] of the published application, and in the previously presented claims. No new matter has been added. In view of the amendments presented above and the following discussion, the applicants believe that all claims are in allowable form.

I. THE CLAIMED INVENTION IS PATENTABLE OVER GREGORIAN

The Examiner rejected the claims under U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,860,469 to Gregorian et al. ("Gregorian"). More specifically, the Examiner asserted that Gregorian "discloses a layer comprising a nonwoven or woven fabric backing layer.... The layer has a plurality of projecting elements which extend from the layer.... The laminate comprises a second layer which can be a film layer...." Furthermore, the Examiner asserted:

With regard to the limitations regarding the laminate being for use in an absorbent body, since the structure of the absorbent body is not set forth in the claims, the limitations are treated as statements of intended use. Since the structure of Gregorian is capable of performing the intended use, the structure of Gregorian anticipates those claims.

In reply, applicants respectfully submit that Gregorian fails to teach each and every limitation of the claims. In particular, Gregorian fails to teach or suggest any laminate material comprising a first apertured film layer and a second apertured film layer as claimed (e.g. claim 1), fails to teach or suggest any material comprising *apertured* macrofeatures (e.g. claim 15), and fails to teach or suggest an absorbent article comprising a two layer structure *overlying an absorbent layer* as claimed (e.g. claims 6 and 16).

Rather, Gregorian is directed to a laminate material comprising a nonwoven or woven layer that is nacked, flocked, or looped to raise fibers therefrom and a film layer that is manufactured to have a “leather-like” appearance. There is no teaching or suggestion of any laminate comprising two apertured film layers. Moreover, while applicants do not agree with the Examiner’s assertion that the flocked fibers of Gregorian are macrofeatures as claimed in the claimed invention, nevertheless, such structures clearly are not apertured structures and would not meet the limitations in certain claimed embodiments for “apertured macrofeatures.”

Applicants further note that contrary to the Examiner’s assertions, the pending absorbent article claims include recitations for an absorbent layer and a laminate material overlying such absorbent layer. Gregorian, on the other hand, clearly fails to teach or suggest any absorbent article comprising an absorbent layer. Rather, Gregorian teaches that the “leather-like” laminate taught therein is for use “where leather-like effects are desired such as upholstery, exterior garments, footwear, luggage, sporting goods items, and the like.” (Column 8, lines 60-63).

In light of the above, it is clear that Gregorian fails to teach or suggest each and every limitation of the claims. Therefore the rejection should be withdrawn and the claims allowed.

II. THE CLAIMED INVENTION IS PATENTABLE OVER LANGDON

The Examiner rejected the pending claims under U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,500,270 to Langdon et al. (“Langdon”).

In the instant matter, applicants note that Langdon fails to teach or suggest the claimed dimensions of the macrofeatures as now required. Rather, Langdon specifically teaches in col. 3, lines 35-38 that the spacers should create a capillary zone that is about 0.003 inches for blood or menses *or smaller* for water or urine. However, the presently claimed macrofeature dimension is at least about 0.15 mm (about 0.0059 inches), which is about *two times or more* greater than the maximum dimension taught by Langdon. Thus, there is no teaching nor suggestion of the claimed macrofeature dimensions in Langdon. In light of the above, applicants submit the rejections over Landgon should be withdrawn and the claims allowed.

III. THE PROVISIONAL DOUBLE PATENTING REJECTION SHOULD BE WITHDRAWN

In light of the above amendments and remarks, the only rejection remaining in the instant matter is the Examiner's provisional rejection. As such, the provisional rejection should be withdrawn and the case allowed. Applicants reserve the right to file a terminal disclaimer to obviate this rejection, should the conflicting claims be patented before allowance of the instant matter.

IV. CONCLUSION

Applicants submit that all claims now pending are in condition for allowance. Accordingly, both reconsideration of this application and swift passage to issue are earnestly solicited. If the Examiner believes that any unresolved issues still exist, it is requested that the Examiner telephone Brett Freeman at 732-524-3428 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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